

REMARKS

I. Introduction

In response to the pending Office Action, Applicants respectfully submit that all pending claims are patentable over the cited prior art for the reasons set forth below.

II. The Rejection Of Claims 1 And 5 Under 35 U.S.C. § 103

Claims 1 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (“AAPA”) in view of Komatsu (EP 1049180). Applicants respectfully traverse these rejections for at least the following reasons.

With regard to the alleged AAPA as disclosed in Fig. 3 of the drawings of the present specification, Applicants respectfully submit that this figure was errantly referred to as admitted prior art in the Response filed on April 30, 2007. The Applicants described this figure as prior art in response to the Office Action request. However, the electrode group as disclosed in Fig. 3 was invented by the named inventors of the current application. This fact is attested to in a Declaration under 37 CFR § 1.132 which is being filed concurrently with this application. As such, Applicants submit that the rejection of claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Komatsu is improper. Accordingly, Applicants respectfully request that the § 103 rejection of claims 1 and 5 be withdrawn.

Moreover, Applicants further submit that, assuming *arguendo* that Fig. 3 were AAPA, the cited prior art still fails to teach or suggest each of the limitations of claims 1 and 5. With regard to the present invention, claim 1 recites, in-part, an electrode group for a secondary battery wherein the insulating member is interposed between the separator and the single side exposed current collector part.

It is alleged that Komatsu teaches an electrode group for a battery comprising an insulating member (insulating tape having an adhesive disposed thereon 87) interposed between the separator 95 and adhered to an exposed single side of the current collectors 82 and 90. However, Komatsu does not appear to support this allegation. As is clearly shown in Fig. 25 of Komatsu, nowhere is the current collector exposed on only a single side by the active material. The collector 83 is exposed on both sides at the end portion, and exposed on neither side throughout the remainder of the portion, except at the portion having the lead on one side. However, although the lead appears to cover only one side of the current collector part, this is not at the portion where the adhesive layer is located. As such, nowhere in Komatsu is the insulating member interposed between the separator and a **single side exposed** current collector part.

In fact, the adhesive portion 87 is not interposed between the separator and the current collector part at all. As is clearly shown in Fig. 23 and described in paragraph [0157], the collector contains an active material layer 84 **on both sides** thereon. As such, the adhesive portion 87 is adhered on the active material layer 84, not the collector 83. In view of the foregoing, it is clear that Komatsu fails to teach or suggest that the insulating member is interposed between the separator and the **single side exposed** current collector part.

As is well known, in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As such, even if Fig. 3 of the present application were considered AAPA, the AAPA and Komatsu, at a minimum, fail to describe an electrode group for a secondary battery wherein the insulating member is interposed between the separator and the single side exposed current collector part. As such, it is respectfully requested that the § 103 rejection of claim 1 be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.


IV. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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